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Approved For Release 2002/08/14 : CIA-RDP83B00823R000900120004-9

24 NOV 1976

MEMORANDUM FOR: Deputy Director for Intelligence
Deputy Director for Operations
Deputy Director for Science and Technology
General Counsel
Inspector General
Comptroller
Legislative Counsel

25X1A FROM

: [REDACTED]
Chief, Regulations Control Branch
Information Systems Analysis Staff

SUBJECT : Proposed Regulation HR [REDACTED] Protection of Sources
and Methods (Job # 7956)

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FOR YOUR CONCURRENCE AND COMMENTS:

1. Attached is a draft proposal of a new HR [REDACTED] regulation covering the Protection of Sources and Methods. The proposal has been drafted by the Office of General Counsel and is a result of the need to implement the Executive Order 11905 and incorporate it into Agency regulations.

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2. Please forward your concurrence and/or comments to the Regulations Control Branch by 10 December. A concurrence sheet is attached for your convenience. Questions concerning the proposal may be directed to [REDACTED]

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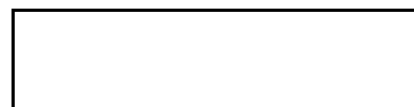
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Attachments:

1. Proposed HR [REDACTED] Protection of Sources and Methods
2. Concurrence Sheet

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cc: OS
AO/DCI
SSA-DDA



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when attachments are removed

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HQ. INSTRUCTION SHEET

| REMOVE | | | INSERT | | | EXPLANATION |
|---------------|-----------|------|-----------|-----------|------|--|
| ISSUANCE NOS. | PAGE NOS. | DATE | REG. NOS. | PAGE NOS. | DATE | |
| | | | HR [] | | | <p>HR [] is a new regulation applicable to the Protection of Intelligence Services and Methods.</p> <p>It specifies who has authority to release information, provides specifics concerning intelligence services and methods markings as well as other details involving the handling, dissemination, and storage of intelligence sources and methods information.</p> |

DISTRIBUTION: A, 2B, 4B, []

Administrative - Internal Use Only
When separated from attachment

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9. PROTECTION OF INTELLIGENCE SOURCES AND METHODS

a. GENERAL

- (1) The Director of Central Intelligence has a statutory responsibility to protect intelligence sources and methods from unauthorized disclosure. This responsibility is separate from, and independent of, the classification system as promulgated in Executive Order 11652 and provides authority for a court to enjoin or deny disclosure independent of any other authority. This paragraph establishes the means to fulfill the Director's statutory responsibility to protect sources and methods within the Agency.
- (2) Those aspects of intelligence sources and methods that require protection from unauthorized disclosure are contained in a list in Annex A (hereafter referred to as the list). The list, in effect, constitutes a detailed definition of intelligence sources and methods, and is reviewed and updated periodically.
- (3) Documents and other materials containing aspects of intelligence sources and methods will be marked to indicate this fact. The marking is independent of any classification established pursuant to Executive Order 11652. Documents and other materials bearing this marking also may be classified pursuant to the Executive Order or other authorities where warranted.

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- b. AUTHORITY. The authority for this paragraph is derived from the authorities vested in the Director of Central Intelligence pursuant to Section 102(d)(3) of the National Security Act of 1947, as amended, and Section 6 of the Central Intelligence Act of 1949, as amended, as well as the authorities delegated to the Director by the National Security Council, pursuant to the authorities of Section 102(d) of the National Security Act of 1947, as amended, and by virtue of the authorities vested in the Director as head of an agency of the United States Government.
- c. SEVERABILITY. If any aspect of intelligence sources and methods contained in the list is held invalid, all valid aspects that are severable from the invalid aspect remain in effect. If an aspect is held invalid in one or more of its applications, that aspect remains in effect in all valid applications that are severable from the invalid application or applications.
- d. DELEGATION OF AUTHORITY
- (1) The Deputy Directors for Administration, Intelligence, Operations, and Science and Technology, and the Inspector General, General Counsel, Legislative Counsel, and Comptroller are delegated authority to authorize disclosure of any aspect or part thereof contained in the list that is within their substantive areas of responsibility where such disclosure will not damage or put in jeopardy Agency employees, agents, informants, activities, operations, or interests. This delegation may be

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redelegated to the immediate subordinates of the Deputy Directors and Heads of Independent Offices. Nothing in this delegation is meant to conflict with the Director's delegation of 6 February 1975 with respect to the Freedom of Information Act, Executive Order 11652, or HR

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What does this mean?

(2) The Deputy Director for Administration has been delegated the authority to approve and implement this paragraph and any revision or amendments thereto.

e. REVIEWING AND UPDATING. The Deputy Director for Administration shall initiate a periodic review of the list (no less than annually) to develop any new aspects or to delete aspects no longer required. The results of the review as well as any aspects identified as requiring the immediate attention of the Director will be forwarded to the Director for action.

f. EXCLUSIONS. Information relating to any Agency activity or operation that violates a U.S. statute, Executive order, or Presidential order, or that is without authority or law, is not protected from disclosure to appropriate law enforcement authorities even if such information is or appears to be covered in the list.

*Is this determinable by the courts?**or is illegal?*

g. INTELLIGENCE SOURCES AND METHODS MARKINGS

(1) Documents and other materials containing aspects of intelligence sources and methods will be conspicuously marked to indicate this fact at the time of their origination or creation. Such marking is independent of any markings

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because of classification pursuant to E.O. 11652. The marking will state: "WARNING NOTICE - INTELLIGENCE SOURCES AND METHODS INVOLVED."

- (2) A document or other material incorporating information or material from another source containing aspects of intelligence sources and methods will be conspicuously marked with the warning stamp.
 - (3) If material (or its container) cannot be conspicuously marked with the warning stamp, written notice will be furnished to the holders.
 - (4) A document transmitting another document or other materials containing aspects of intelligence sources and methods will be marked with the warning stamp.
- h. NEED-TO-KNOW ACCESS. Persons may be granted access to intelligence sources and methods information, documents, and other materials only if all of the following standards are met:
- (1) The official having responsibility for the information, document, or other materials must have determined that the person needs to have access in order to perform his or her official duties or contractual obligations.
 - (2) The Director of Security must have made a determination, under appropriate directives and regulations, that the person is trustworthy.
- i. DISSEMINATION. Documents and other materials marked with the warning stamp containing intelligence sources and methods of other

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U.S. Government departments or agencies or of a foreign government pursuant to an understanding that such was furnished in confidence will not be disseminated in any manner outside authorized channels without (1) the permission of that department or agency or foreign government and (2) an assessment by the Director of Central Intelligence or his designated representative as to the potential risk to the national security and the intelligence sources and methods involved. Should other U.S. Government departments or agencies, pursuant to the statutory authority of the Director, adopt a system to protect their intelligence sources and methods similar to that described in this paragraph, any document or other material marked with a warning stamp will not be disseminated in any manner outside authorized channels without the permission of that originating department or agency and an assessment by the Director or his designated representative as to the potential risk to the national security and the intelligence sources and methods involved.

- j. AGREEMENT TO PROTECT SOURCES AND METHODS. All individuals who are to receive information or materials containing aspects of intelligence sources and methods shall execute the appropriate secrecy agreement.
- k. NONCOMPLIANCE OR VIOLATION. Any individual who makes an unauthorized disclosure of intelligence sources and methods will be subject to the sanctions outlined in the secrecy agreement or, as appropriate, may be subject to the penalties of administrative action outlined in HR

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1. not used
- m. STORAGE AND CONTROL OF INTELLIGENCE SOURCES AND METHODS INFORMATION.
Information and materials concerning intelligence sources and methods will be stored in safes, vaults, safekeeping devices and other storage equipment or structures in secure areas as specifically approved by the Director of Security. Intelligence sources and methods will be controlled in accordance with procedures specifically approved by the Director of Security.

DISTRIBUTION: AB

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| TRANSMITTAL SLIP | | DATE |
| TO: | | 12/3 |
| C/CD | | |
| ROOM NO. | BUILDING | |
| REMARKS: | | |
| <p>Proposed Reg. HR [] reviewed by [] We found nothing objectionable in it. It is not concerned with the clearance aspect, rather, dissemination control.</p> <p><i>Aguel Jr</i></p> | | |
| FROM: | | |
| AC/ICB | | |
| ROOM NO. | BUILDING | EXTENSION |
| FORM NO. 241 1 FEB 55 | | |
| REPLACES FORM 36-8 WHICH MAY BE USED. | | |
| (47) | | |

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